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MAR 10 2010

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUISUNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
DIVISION

Darroyl Buffington Jr )  
 # 104087 )  
ST. Louis Justice Center )  
 (Enter above the full name of the )  
 Plaintiff(s) in this action. Include prison )  
 registration number(s.) )  
 )  
 v. )  
Metropolitan Police Department 3rd )  
District )  
TESREAU, Matthew A, DSN, 07188 )  
Simphre, Douglas S, DSN, 06689 )  
Berner, Robert J, DSN, 03865 )  
 (Enter above the full name of ALL Defendant(s) in this action. Fed. R. Civ. P. 10(a) )  
 requires that the caption of the complaint )  
 include the names of all the parties. Merely )  
 listing one party and "et al." is insufficient. )  
 Please attach additional sheets if necessary. )

Case No. \_\_\_\_\_  
(To be assigned by Clerk)**PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983**

## I. PLACE OF PRESENT CONFINEMENT:

ST. Louis Justice Center

## II. PREVIOUS CIVIL ACTIONS:

A. Have you brought any other civil actions in state or federal court dealing with the same facts involved in this action or otherwise relating to your confinement?

YES [ ]

NO [✓]

B. If your answer to "A" is YES, describe the action(s) in the space below. If there is more than one action, you must describe the additional action(s) on a separate piece of paper, using the same format as below.

1. Parties to previous civil action:

Plaintiff(s): N/A  
Defendant(s): N/A

Defendant(s): N/A

2. Court where filed: N/A

3. Docket or case number: N/A

4. Name of Judge: N/A

5. Basic claim made: N/A

6. Present disposition (Is the case still pending? Is it closed? If closed, was it appealed?):

None

### III. GRIEVANCE PROCEDURES:

A. Is there a prisoner grievance procedure at the institution in which you are incarcerated?

YES [✓]

NO [ ]

B. Have you presented this grievance system the facts which are at issue in this complaint?

YES [✓]

NO [ ]

C. If your answer to "B" is YES, what steps did you take: I Filled a complaint with Metropolitan Police Department- Internal Affairs.

D. If your answer to "B" is NO, explain why you have not used the grievance system:

N/A

IV. PARTIES TO THIS ACTION:

A. Plaintiff(s)

1. Name of Plaintiff: Darroy I Buffington Jr
2. Plaintiff's address: 200 South Tucker ST. Louis Mo 63103
3. Registration number: #104087
4. Additional Plaintiff(s) and address(es): 1350 Redbird Florissant Mo, 63031

B. Defendant(s)

1. Name of Defendant: Officer Matthew A. Tesreau (7188)
2. Defendant's address: 3157 Sublette Ave. ST. Louis Mo 63139
3. Defendant's employer and job title: Metropolitan Police Law enforcement
4. Additional Defendant(s) and address(es): Douglas S. Simpfer (06689) Robert J. Bernier, 03865

V. COUNSEL

A. Do you have an attorney to represent you in this action?

YES [ ] NO [✓]

B. If your answer to "A" is NO, have you made an effort to contact an attorney to represent you in this matter?

YES [ ] NO [✓]

C. If your answer to "B" is YES, state the name(s) and address(es) of the attorneys you contacted and the results of those efforts:

I contact no attorney because I am  
indigent

D. If your answer to "B" is NO, explain why you have not made such efforts:

I'm indigent

E. Have you previously been represented by counsel in a civil action in this Court?

YES [ ] NO [✓]

F. If your answer to "E" is YES, state the attorney's name and address:

N/A

VI. Statement of claim (State as briefly as possible the facts of your case. Describe how each defendant is involved. You must state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved, dates, and places. Be as specific as possible. State your claims in numbered paragraphs. You may use additional paper if necessary):

Please see attached sheet pg 1-3.

page 1.

1. On November 29, 2009 Police was called to my house. I was standing in the kitchen talking to my girlfriend mother, holding my side explaining to her that her daughter stabbed me. And officer TESREAU walked down the hallway by the kitchen and asked me what happen. I told him that I was trying to get a knife out my girlfriend hands. And then I looked at Ms. Smith (her mother) who was standing outside at the back door. Telling her that I was trying to get the knife out her hands. And officer TESREAU tased me in my left side without a reason.
2. Right then and there I fell to the floor and officer TESREAU and another officer came over and put me in handcuffs he never read me my Miranda Rights. While I'm on the floor bleeding from both of my hands and left side of my ribs. Another officer came in and the three officer's carried me outside by both arms and legs and put me in the pattywagon.
3. While I'm sitting inside the pattywagon I asked the officer if I can press charges on my girlfriend, and he told me I'm not going to be able to do shit. I was sitting in the back for awhile and the truck started up and the police car behide the pattywagon reversed and then the truck reversed back passed my house, and pulled on the side of my house and parked.
4. I looked out the window and saw about 4 cops walking alone my house flashing there flashlights in the windows. I sat their wondering what they were doing, I looked over towards the park across the street from my house, and seen two cops standing under a tree talking.

page 2.

5. Then a black cop (Officer Berner) walked over to the truck were I was and the driver open the door and Sgt. Berner climbed inside hit me in the face. I balled up to block myself and he started punching me in the back and in my side and Kneeing me in the back stating don't put my hands on black women while assaulting me. It lasted for a long period of time and then he got out and walked towards the front of my house. Then I moved back were the back ~~door~~ was, looking out the window and saw officer Berner come around the house, headed back towards the truck were I was.
6. I moved all the way to the front were the wall was and he climbed back inside heading toward me. I balled up again and he started hitting me again in the back, and side of my head and Kneeing me in the middle of my back stating Don't put your hands on my people repeatedly. While he was doing that I thought to myself either my girlfriend or her mother knows him for me to be getting assaulted like that.
7. After he finished assaulting me he got out they closed the door and the driver got in the front of the pattywagon and drove me to the Justice Center.
8. I was booked under 11 false charges. The only way I found out if anyone knew the cop that assaulted me was when I received the police report. And I've found that officer Berner was friends of my girlfriend.

This is briefly the facts of claims what each defendant did or failed to do, which resulted in harm to me on November 29, 2009

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1. Tesreau, Matthew A. DSN. 07188

1. Officer Tesreau tased me without a proper cause.
2. Officer Tesreau never read any maranda rights and stating what I was beening charged with on the 29 of November.
3. Officer Tesreau wrote false statements in police report stating I push him and spit blood in his face and kicked Officer Simpher in the chest.
4. Officer Tesreau wrote a false report not including , stating that Officer Sgt. Robert Berner was at the SCENE.

2. Berner, Robert J DSN. 03865

1. Officer Robert Berner assaulted me twice inside the back of pattywagon on November 29, 2009. Violation Civil Rights
2. Officer Berner did not follow police officer procedures.

VII. RELIEF

State briefly and exactly what you want the Court to do for you. Do not make legal arguments. (Note: If you are a **state** prisoner and you seek from this Court relief that affects the length or duration of your imprisonment, your case **must** be filed on a § 2254 form.)

I want them fired for falseing charges against me and  
not following the procedures for law enforcement training.  
I want the courts to govern the monetary Settlement  
against Metropolitan Police Department and defendants.

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VIII. MONEY DAMAGES:

A) Do you claim either actual or punitive monetary damages for the acts alleged in this complaint?

YES  NO

B) If your answer to "A" is YES, state below the amount claimed and the reason or reasons you believe you are entitled to recover such money damages:

They have violated my Constitutional Amendment #5, #6 and  
#14 rights, Defamation, Punitive Damages lost wages.  
The amount of one million Dollars

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IX. Do you claim that the wrongs alleged in the complaint are continuing to occur at the present time?

YES  NO

Douoy Buffington Jr.

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Signature of attorney or pro se Plaintiff(s)

3-09-2010

Date